

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRIMINAL NO. 09-30223

JOHN JESSE AUTO,

Defendant.

**MOTION FOR LEAVE TO DISMISS COMPLAINT
WITHOUT PREJUDICE AND SUPPORTING BRIEF**

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, the United States of America hereby moves for leave to dismiss without prejudice the complaint against defendant. In this case, the government needs additional time

- (1) to develop and obtain evidence sufficient to establish defendant's guilt beyond a reasonable doubt;
- (2) to investigate the full extent of the offense(s) in question and identify all other individuals who should be held criminally responsible for the offense(s); or
- (3) to decide whether criminal prosecution of defendant for the offense(s) in question is in the public interest.

See generally United States v. Lovasco, 431 U.S. 783, 790-96 (1977); 18 U.S.C. § 3161(d)(1). The government's ability to prosecute this case properly would be

substantially impaired were it required to proceed to indictment or information within the 30-day period prescribed by the Speedy Trial Act, see 18 U.S.C. §§ 3161(b), 3161(h). Accordingly, the government requests leave to dismiss the complaint without prejudice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2009, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Rafael Villarruel, Esq.

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